REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has rejected the claims because of some informalities or on the grounds that they do not contain patentable subject matter under 35 USC 101. The claims have been reviewed and amended to overcome these rejections.

The Examiner has rejected the claims as being anticipated by, or obvious in view of several references. In response, the claims have been amended and new claims have been added that describe the invention more distinctly.

Briefly, in one embodiment, the present invention pertains to a novel DVR and method of operating the same. The DVR monitors one or more channels. When a a program of interest to a user or viewer is detected on a given channel and time slot, the DVR starts recording the program with the assumption that the viewer will want to watch the program in the near future. To save recording space, the recording or buffering starts at the beginning of the respective time slot. During buffering, the DVR also monitors to see if a user or viewer starts watching the program. If he is, then the buffering continues. In many instances, the user will want to see the program from the beginning. In one embodiment, the user 'rewinds' the recording so that he can start watching the program from the beginning. In another embodiment, the DVR itself starts showing the program to the user from the beginning automatically. The buffering then continues to the end of the program so that the user can see the whole thing.

<u>However, if a user does NOT start viewing the program within a predetermined time period,</u> Moreover, if a particular program is being recorded independently of any action of the watcher, then the process is not performed at all. The process of selecting which program to buffer can be performed in a number of different ways. One way is simply to monitor what channels are being watched at what times during a day, a week, a month, etc. A more comprehensive process monitors for how long during a time slot is a program being watched. An even more comprehensive process involves determining what kind of shows one or more users watch, and use this information to generate a viewer profile.

In another aspect of the invention, a system is disclosed in which a program is stream starting at a particular time and can be received and shown to watches by a plurality of program presentation devices, such as TV sets. The system monitors at least one of these devices and if the program is not being watched at the device, <u>then</u> a process is automatically started as soon as the program starts, to automatically buffer or record the program. At a later time, if it is determined that a watcher does activate the device to start watching the program, he or she is automatically presented either with the program from the beginning, or with a choice to continue watching the program in progress or to have the program rewound.

It is respectfully submitted that none of the cited references disclose such a method or apparatus. For example, Mekenkamp discloses assigning certain channels a priority and continuing to record   high priority channels even if a

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viewer is not watching a channel, but she has "surfed away" from the channel. This reference does mention that the length of buffering may be "trimmed" (See par. 23) but clearly this trimming occurs at the beginning of the recording.

The primary reference cited by the Examiner, Williams, teaches monitoring what shows are being watched and generates a user profile from this information that can be used for automatic recording of shows. However, even the Examiner recognizes that there is nothing in this reference that teaches or suggests the present invention. To overcome this problem, the examiner next sites Inoue. However, Inoue discloses a system that has a completely different operation. Williams teaches recording a whole show. Innouie and Mekenkamp teach that a recorder should <u>continue</u> recording a show while a watcher is surfing other channels so that he can come back and watch the show. However, these concepts are simply not relevant since none of them teaches the invention as described above and in the claims.

None of the references disclose or suggest the subject invention and therefore it is respectfully requested that the application be allowed.

Respectfully submitted,

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